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Fox and its 'Phantom' have court date later this month

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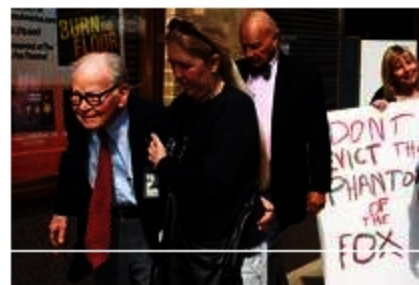
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By Kristi E. Swartz

The Atlanta Journal-Constitution

Fox Theatre officials and the man suing the historic theater will have their day in court later this month.

Enlarge photo



Kristi E. Swartz

Joe Patten, left, and supporters arrive at Fox Theater board meeting where trustees deliberated on whether he can continue to live there.

An injunction hearing for Joe Patten, who has been living in the theater for 30 years, and the Fox's board has been scheduled for Oct. 27, according to Fulton County Superior Court records.

Patten is suing the Fox, run by the nonprofit Atlanta Landmarks, and its president, Woody White. He is seeking an injunction so he can remain living in an apartment above the venue.

Patten, the 83-year-old man known as the "Phantom of the Fox," signed a lease in 1979 allowing him to live there for the rest of his life.

In August, the Atlanta Landmarks board voted to break that lease and write a new one that says Patten can live there "as long as he is able."

Patten's attorney, Emmet Bondurant, said the Fox is violating the Georgia Fair Housing Act.

The suit, filed Monday, has been assigned to Judge Jerry Baxter.

It also asks Atlanta Landmarks to pay for damages — including punitive damages — as well as attorney's fees and additional costs associated with litigation.

A spokeswoman from the Fox said Tuesday that Patten had declined to discuss the lease with the board.

"We are very disappointed as Joe has rejected every overture to discuss this matter and to negotiate an amicable agreement," Fox spokeswoman Kristen Delaney said.